

United States District Court

DISTRICT OF

MASSACHUSETTS

FIRST ACT INC.

SUMMONS IN A CIVIL CASE

CASE NUMBER:

V.

KIDZ TOYZ, INC. and CHRISTMAS TREE
SHOPS, INC.

03-12507EFH

TO: (Name and address of defendant)

Kidz Toyz, Inc.
222 Mamaroneck Avenue, Suite 207A
White Plains, NY 10605

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Joel R. Leeman, Esq.
BROMBERG & SUNSTEN LLP
125 Summer Street
Boston, MA 02110

an answer to the complaint which is herewith served upon you, within 20 (twenty) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

TONY ANASTAS

CLERK

DATE

December 12, 2003

(BY) DEPUTY CLERK

AO 440 (Rev. 10/93) Summons In a Civil Action -SDNY WEB 4/99

RETURN OF SERVICE

Service of the Summons and Complaint was made by me ¹	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date

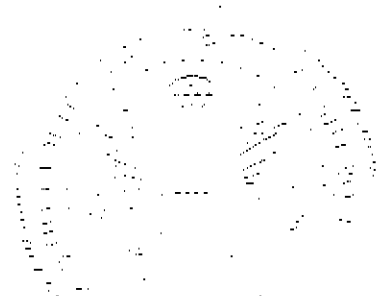
Signature of Server

Address of Server

SCANNED

DATE: 12/24/03

BY: [Signature]



(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

-----X
FIRST ACT INC.,

Plaintiff(s),

-against-

KIDZ TOYZ, INC., ET AL.,

Defendant(s).
-----X

STATE OF NEW YORK)

S.S.:

COUNTY OF ROCKLAND)

FILED
IN CLERK'S OFFICE

2003 DEC 24 A 11:38

Index No. 03-12507-EFH
U.S. DISTRICT COURT
DISTRICT OF MASS.
AFFIDAVIT OF SERVICE

DAVID KSIAZEK, being duly sworn, deposes and says that he is over the age of eighteen years, is an agent for the attorney service, Beacon Hill Research, Inc., and is not a party to this action.

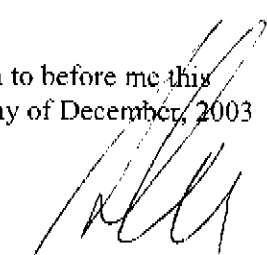
That on the 17TH day of December, 2003, at approximately 2:55 PM, deponent served a true copy of the SUMMONS, COMPLAINT AND JURY DEMAND, CIVIL COVER SHEET, FIRST ACT'S LOCAL RULE 7.3 STATEMENT, FIRST ACT'S MOTION FOR PRELIMINARY INJUNCTION AND MEMORANDUM IN SUPPORT upon KIDZ TOYZ, INC. at 222 Mamaroneck Avenue, Suite 207A, White Plains, New York 10605, by personally delivering and leaving the same with SCOTT SPIEGEL, who informed deponent that he is an president authorized by KIDZ TOYZ, INC. to receive service at that address.

SCOTT SPIEGEL is a white male, approximately 42 years of age, stands approximately 5 feet 9 inches tall, weighs approximately 170 pounds with brown and gray hair, brown eyes and glasses.



DAVID KSIAZEK #0974523

Sworn to before me this
19th day of December, 2003



NOTARY PUBLIC

Notary Public, State of New York
Qualified in Rockland County
No. 31-12156
Cert. Filed in New York County
Commission Expires Oct. 31 2005